2 September 2026
2 September 2026
P.U. (A) 313

WARTA KERAJAAN PERSEKUTUAN

FEDERAL GOVERNMENT GAZETTE

KAEDAH-KAEDAH MAHKAMAH (PINDAAN) 2026

RULES OF COURT (AMENDMENT) 2026

DISIARKAN OLEH/
PUBLISHED BY
JABATAN PEGUAM NEGARA/
ATTORNEY GENERAL'S CHAMBERS

AKTA MAHKAMAH KEHAKIMAN 1964

AKTA KAEDAH-KAEDAH MAHKAMAH RENDAH 1955

KAEDAH-KAEDAH MAHKAMAH (PINDAAN) 2026

PADA menjalankan kuasa yang diberikan oleh seksyen 17 Akta Mahkamah Kehakiman 1964 [*Akta 91*] dan seksyen 4 Akta Kaedah-Kaedah Mahkamah Rendah 1955 [*Akta 55*], dan dengan persetujuan Hakim Besar Mahkamah Tinggi di Malaya dan Hakim Besar Mahkamah Tinggi di Sabah dan Sarawak, Jawatankuasa Kaedah-Kaedah dan Jawatankuasa Kaedah-Kaedah Mahkamah Rendah membuat kaedah-kaedah yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Kaedah-kaedah ini bolehlah dinamakan **Kaedah-Kaedah Mahkamah (Pindaan) 2026**.

(2) Kaedah-Kaedah ini mula berkuat kuasa pada 3 September 2026.

Aturan baharu 88A

2. Kaedah-Kaedah Mahkamah 2012 [*P.U. (A) 205/2012*], yang disebut "Kaedah-Kaedah ibu" dalam Kaedah-Kaedah ini, dipinda dengan memasukkan selepas Aturan 88 Aturan yang berikut:

"ATURAN 88A

AKTA INSOLVENSI RENTAS SEMPADAN 2026

Tafsiran (A. 88A, k. 1)

1. Dalam Aturan ini, "Akta" ertinya Akta Insolvensi Rentas Sempadan 2026 [*Akta 877*].

Permohonan bagi pengiktirafan prosiding asing (A. 88A, k. 2)

2. (1) Suatu permohonan bagi pengiktirafan prosiding asing di bawah seksyen 15 Akta oleh seseorang wakil asing hendaklah dibuat secara *ex parte*

melalui saman pemula.

(2) Suatu permohonan bagi pengiktirafan prosiding asing hendaklah disokong dengan suatu afidavit yang menyatakan—

(a) bahawa orang atau badan yang memohon bagi pengiktirafan prosiding asing merupakan seorang wakil asing mengikut pengertian subseksyen 2(1) Akta;

(b) nama penghutang dan nama-nama lain yang digunakan penghutang, jika ada, dalam prosiding asing yang dalamnya wakil asing itu telah dilantik;

(c) bahawa prosiding asing terhadap penghutang merupakan prosiding asing mengikut pengertian subseksyen 2(1) Akta;

(d) nama penghutang yang menjalankan perniagaan di Malaysia yang digunakan dalam prosiding asing yang dalamnya wakil asing itu telah dilantik, jika selain daripada nama yang dinyatakan menurut subperenggan *(b)*;

(e) alamat tempat pejabat berdaftar penghutang dan alamat tempat perniagaan terakhir penghutang yang diketahui di Malaysia, jika ada;

(f) perkara sebagaimana yang dikehendaki di bawah subseksyen 15(3) Akta; dan

(g) bahawa penghutang mempunyai pusat kepentingan utama atau establismen, mengikut mana-mana yang berkenaan, di dalam negara di mana prosiding asing berjalan.

(3) Afidavit yang disebut dalam perenggan (2) hendaklah mengekshibitkan dokumen yang berikut:

(a) keterangan di bawah subseksyen 15(2) Akta;

(b) pernyataan yang dikehendaki di bawah subseksyen 15(3) Akta;

(c) keterangan bahawa penghutang mempunyai pusat kepentingan utamanya atau suatu establismen, mengikut mana-mana yang berkenaan, di dalam negara di mana prosiding asing berjalan; dan

(d) apa-apa perkara lain yang pada pendapat wakil asing boleh membantu Mahkamah dalam memutuskan sama ada untuk memberi atau membuat perintah bagi pengiktirafan prosiding asing.

(4) Melainkan jika Mahkamah mengarahkan selainnya, seseorang wakil asing hendaklah menyebabkan suatu pemberitahuan mengenai permohonan bagi pengiktirafan prosiding asing yang dibuat disampaikan kepada orang yang berikut dalam masa empat belas hari dari tarikh permohonan bagi pengiktirafan prosiding asing itu difailkan:

(a) pemegang jawatan insolvensi Malaysia yang bertindak berhubung dengan penghutang;

(b) mana-mana orang yang telah dilantik sebagai penerima atau penerima dan pengurus harta penghutang di Malaysia;

(c) wakil asing lain yang telah dilantik dalam mana-mana prosiding asing lain mengenai penghutang jika diketahui wakil asing itu;

(d) pihak-pihak dalam mana-mana prosiding yang masih belum selesai di bawah undang-undang insolvensi Malaysia berhubung dengan penghutang jika diketahui wakil asing itu; dan

(e) mana-mana orang lain sebagaimana yang diarahkan oleh Mahkamah.

(5) Melainkan jika Mahkamah mengarahkan selainnya, seseorang wakil asing hendaklah menyebabkan suatu pemberitahuan mengenai pemfailan permohonan bagi pengiktirafan prosiding asing disiarkan di tapak sesawang Jabatan Insolvensi Malaysia dalam masa empat belas hari dari tarikh pemfailan permohonan bagi pengiktirafan prosiding asing itu.

(6) Wakil asing itu atau peguamnya hendaklah pada hari yang ditetapkan oleh Pendaftar hadir di hadapan Hakim Mahkamah Tinggi dan memuaskan hati Mahkamah bahawa kehendak yang diperuntukkan perenggan (4) dan (5) telah dipatuhi.

(7) Mana-mana orang yang disebut dalam perenggan (4) dan mana-mana orang lain yang mungkin terjejas oleh apa-apa relief yang dipohon dalam mana-mana permohonan, boleh, dengan kebenaran Mahkamah, mencelah dalam prosiding bagi permohonan itu.

(8) Jika seseorang wakil asing dikehendaki untuk memberitahu Mahkamah mengenai maklumat sebagaimana yang dikehendaki di bawah seksyen 18 Akta, wakil asing itu hendaklah berbuat demikian melalui suatu afidavit yang diangkat sumpah oleh wakil asing itu.

Permohonan bagi relief bersifat sementara (A. 88A, k. 3)

3. (1) Suatu permohonan bagi relief bersifat sementara di bawah seksyen 19 Akta oleh seseorang wakil asing hendaklah dibuat melalui notis permohonan.

(2) Suatu permohonan bagi relief bersifat sementara hendaklah disokong dengan suatu afidavit yang menyatakan—

(a) alasan yang dicadangkan bahawa relief bersifat sementara yang dipohon patut diberikan;

(b) butir-butir mana-mana prosiding di bawah undang-undang insolvensi Malaysia yang sedang berjalan berhubung dengan penghutang;

(c) sama ada, pada pengetahuan wakil asing itu, penerima atau penerima dan pengurus harta penghutang bertindak berhubung dengan penghutang;

(d) suatu anggaran nilai harta penghutang di Malaysia yang berkenaan dengannya relief bersifat sementara dipohon;

(e) sama ada, pada pengetahuan dan kepercayaan terbaik wakil asing itu, kepentingan pemiutang penghutang, termasuk mana-mana pemiutang bercagar atau pihak dalam perjanjian sewa beli, dan mana-mana pihak berkepentingan lain, termasuk jika sesuai penghutang, akan dilindungi secukupnya;

(f) sama ada, pada pengetahuan dan kepercayaan terbaik wakil asing itu, pemberian apa-apa relief bersifat sementara yang dipohon akan mengganggu pentadbiran prosiding utama asing; dan

(g) apa-apa perkara lain yang pada pendapat wakil asing itu boleh membantu Mahkamah dalam memutuskan sama ada sesuai atau tidak untuk memberikan relief bersifat sementara yang dipohon.

Permohonan bagi relief (A. 88A, k. 4)

4. (1) Suatu permohonan bagi relief di bawah seksyen 21 Akta oleh seseorang wakil asing hendaklah dibuat melalui notis permohonan.

(2) Suatu permohonan bagi relief hendaklah disokong dengan suatu afidavit yang menyatakan—

(a) alasan yang dicadangkan bahawa relief yang dipohon patut diberikan;

(b) suatu anggaran nilai harta penghutang di Malaysia yang berkenaan dengannya relief dipohon;

(c) dalam hal permohonan oleh seseorang wakil asing yang merupakan atau yang mempercayai bahawa dia ialah wakil bagi prosiding bukan utama asing, sebab-sebab mengapa wakil asing itu percaya bahawa relief itu berkaitan dengan harta yang, di bawah undang-undang Malaysia, patut ditadbir dalam prosiding bukan utama asing atau maklumat yang dikehendaki dalam prosiding bukan utama asing itu;

(d) sama ada, pada pengetahuan dan kepercayaan terbaik wakil asing itu, kepentingan pemiutang penghutang, termasuk mana-mana pemiutang bercagar atau pihak dalam perjanjian sewa beli, dan mana-mana pihak berkepentingan lain, termasuk jika sesuai penghutang, akan dilindungi secukupnya; dan

(e) apa-apa perkara lain yang pada pendapat wakil asing itu boleh membantu Mahkamah dalam memutuskan sama ada sesuai atau tidak untuk memberikan relief yang dipohon.

Permohonan bagi pengubahsuaian atau penamatan oleh wakil asing atau mana-mana orang yang terjejas dengan pengiktirafan atau relief yang diberikan (A. 88A, k. 5)

5. (1) Suatu permohonan bagi pengubahsuaian atau penamatan di bawah subseksyen 17(5), 20(6) dan 22(3) Akta oleh seseorang wakil asing atau mana-mana orang yang terjejas oleh pengiktirafan di bawah seksyen 17 Akta, penangguhan dan penggantungan yang disebut dalam subseksyen 20(1) Akta atau relief yang diberikan di bawah seksyen 19 atau 21 Akta hendaklah dibuat melalui notis permohonan.

(2) Suatu permohonan bagi pengubahsuaian atau penamatan hendaklah disokong dengan suatu afidavit yang menyatakan—

(a) alasan yang dicadangkan bahawa pengubahsuaian atau penamatan itu patut diberikan; dan

(b) apa-apa perkara lain yang pada pendapat wakil asing itu atau mana-mana orang yang terjejas oleh pengiktirafan di bawah seksyen 17 Akta, penangguhan dan penggantungan yang disebut dalam subseksyen 20(1) Akta atau relief yang diberikan di bawah seksyen 19 atau 21 Akta boleh membantu Mahkamah dalam memutuskan sama ada sesuai atau tidak untuk memberikan pengubahsuaian atau penamatan yang dipohon.

Pengubahsuaian atau penamatan atas usul Mahkamah (A. 88A, k. 6)

6. (1) Mahkamah boleh atas usulnya sendiri mengubah suai atau menamatkan suatu perintah pengiktirafan di bawah seksyen 17 Akta atau apa-apa relief yang diberikan di bawah subseksyen 20(6) atau 22(3) Akta dengan syarat bahawa wakil asing dan penghutang telah sama ada—

(a) mempunyai peluang untuk didengari mengenai persoalan

berkenaan dengan pengubahsuaian atau penamatan oleh Mahkamah itu; atau

(b) bersetuju secara bertulis dengan pengubahsuaian atau penamatan oleh Mahkamah itu.

(2) Jika wakil asing itu atau penghutang berhasrat untuk didengar mengenai persoalan berkenaan dengan pengubahsuaian atau penamatan oleh Mahkamah, Mahkamah hendaklah memberi semua pihak yang berkaitan notis mengenai pendengaran yang persoalan itu akan dipertimbangkan dan boleh memberi arahan mengenai isu yang dikehendakinya keterangan.

(3) Jika Mahkamah memberi atau membuat suatu perintah pengubahsuaian atau penamatan, perintah itu boleh termasuk apa-apa perkara yang difikirkan patut oleh Mahkamah berkenaan dengan perkara berbangkit yang berkenaan dengan pengubahsuaian atau penamatan itu.

(4) Bagi maksud perenggan (2), "semua pihak yang berkaitan" ertinya seseorang wakil asing, penghutang dan mana-mana orang lain, yang pada pendapat Mahkamah, mempunyai kepentingan yang mewajarkannya diberi notis mengenai pendengaran itu.

Permohonan bagi perintah untuk mengelakkan perbuatan yang memudaratkan pemiutang (A. 88A, k. 7)

7. Suatu permohonan bagi perintah untuk mengelakkan perbuatan yang memudaratkan pemiutang di bawah seksyen 23 Akta oleh seseorang wakil asing hendaklah dibuat melalui suatu saman pemula yang disokong dengan suatu afidavit yang menyatakan alasan permohonannya.

Pemberitahuan dan penyiaran (A. 88A, k. 8)

8. (1) Kaedah ini hendaklah terpakai bagi apa-apa perintah yang diberi atau dibuat oleh Mahkamah bagi permohonan yang dibuat di bawah kaedah 2, 3, 4, 5 dan 7 dan apa-apa perintah yang diberikan atau dibuat oleh

Mahkamah di bawah kaedah 6.

(2) Seseorang wakil asing hendaklah dalam masa empat belas hari selepas tarikh perintah diberi atau dibuat oleh Mahkamah, menyebabkan suatu pemberitahuan mengenai pemberian atau pembuatan perintah itu diberi kepada orang yang berikut:

(a) pemegang jawatan insolvensi Malaysia yang bertindak berhubung dengan penghutang;

(b) mana-mana orang yang telah dilantik sebagai penerima atau penerima dan pengurus harta penghutang;

(c) wakil asing lain yang telah dilantik dalam mana-mana prosiding asing lain mengenai penghutang; dan

(d) pihak-pihak dalam prosiding yang berjalan di bawah undang-undang insolvensi Malaysia berhubung dengan penghutang, jika ada.

(3) Seseorang wakil asing hendaklah menyampaikan sesalinan perintah yang bermeterai dengan seberapa segera yang praktik kepada penghutang.

(4) Dalam hal suatu permohonan yang dibuat oleh mana-mana orang yang terjejas oleh penangguhan dan penggantungan yang disebut dalam subseksyen 20(1) Akta atau relief yang diberikan di bawah seksyen 19 atau 21 Akta di bawah kaedah 5, orang itu hendaklah dengan seberapa segera yang praktik menyampaikan sesalinan perintah yang bermeterai kepada seseorang wakil asing.

(5) Dalam hal suatu perintah yang diberikan atau dibuat oleh Mahkamah bagi permohonan yang dibuat di bawah kaedah 2 berhubung

dengan penghutang sebagai prosiding utama asing, atau suatu perintah yang diberikan atau dibuat oleh Mahkamah bagi permohonan yang dibuat di bawah kaedah 3 dan 4 yang melibatkan harta penghutang, wakil asing hendaklah, dengan seberapa segera yang praktik selepas tarikh perintah itu diberikan atau dibuat oleh Mahkamah, menyebabkan suatu pemberitahuan mengenai pemberian atau pembuatan perintah itu diberi kepada orang yang berikut:

(a) kepada mana-mana pegawai penguat kuasa atau pegawai lain yang pada pengetahuan wakil asing itu dipertanggungjawabkan dengan pelaksanaan atau proses undang-undang lain terhadap penghutang atau harta penghutang itu; dan

(b) kepada mana-mana orang yang pada pengetahuan wakil asing itu menyebabkan distres terhadap penghutang atau harta penghutang itu.

(6) Seseorang wakil asing hendaklah dengan seberapa segera yang praktik menyebabkan suatu pemberitahuan mengenai apa-apa perintah yang diberikan atau dibuat oleh Mahkamah bagi permohonan yang dibuat di bawah kaedah-kaedah 2, 3, 4, 5 dan 7 dan apa-apa perintah yang diberikan atau dibuat oleh Mahkamah di bawah kaedah 6 disiarkan di tapak sesawang Jabatan Insolvensi Malaysia.

(7) Sebutan “harta” dalam kaedah ini ialah suatu rujukan kepada harta yang terletak di dalam Malaysia.”.

Dibuat 1 September 2026
[PKPMP.BD.600-1/5/26; PN(PU2]153/JLD.21]

Jawatankuasa Kaedah-Kaedah:

TUN WAN AHMAD FARID BIN WAN SALLEH
Ketua Hakim Negara, Malaysia

DATUK SERI ABU BAKAR BIN JAIS
Presiden Mahkamah Rayuan, Malaysia

DATUK SERI HASHIM BIN HAMZAH
Hakim Besar Mahkamah Tinggi di Malaya

DATUK HAJAH AZIZAH BINTI HAJI NAWAWI
Hakim Besar Mahkamah Tinggi di Sabah dan Sarawak

DATO' SERI VAZEER ALAM BIN MYDIN MEERA
Hakim Mahkamah Persekutuan

DATUK WONG KIAN KHEONG
Hakim Mahkamah Rayuan

PUAN ALICE LOKE YEE CHING
Hakim Mahkamah Tinggi di Malaya

DATUK CELESTINA STUEL GALID
Hakim Mahkamah Tinggi di Sabah dan Sarawak

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[*Akan dibentangkan di Dewan Rakyat menurut subseksyen 17(5) Akta Mahkamah Kehakiman 1964 dan seksyen 8 Akta Kaedah-Kaedah Mahkamah Rendah 1955*]

COURTS OF JUDICATURE ACT 1964

SUBORDINATE COURTS RULES ACT 1955

RULES OF COURT (AMENDMENT) 2026

IN exercise of the powers conferred by section 17 of the Courts of Judicature Act 1964 [*Act 91*] and section 4 of the Subordinate Courts Rules Act 1955 [*Act 55*], and with the consent of the Chief Judge of the High Court in Malaya and the Chief Judge of the High Court in Sabah and Sarawak, the Rules Committee and the Subordinate Courts Rules Committee make the following rules:

Citation and commencement

1. (1) These rules may be cited as the **Rules of Court (Amendment) 2026**.

(2) These Rules come into operation on 3 September 2026.

New Order 88A

2. The Rules of Court 2012 [*P.U. (A) 205/2012*], which are referred to as the "principal Rules" in these Rules, are amended by inserting after Order 88 the following Order:

“ORDER 88A

CROSS-BORDER INSOLVENCY ACT 2026

Interpretation (O. 88A, r. 1)

1. In this Order, “the Act” means the Cross-Border Insolvency Act 2026 [*Act 877*].

Application for recognition of foreign proceedings (O. 88A, r. 2)

2. (1) An application for recognition of foreign proceedings under section 15 of the Act by a foreign representative shall be made *ex parte* by an originating summons.

(2) An application for recognition of foreign proceedings shall be supported by an affidavit stating—

(a) that the person or body applying for recognition of foreign proceedings is a foreign representative within the meaning of subsection 2(1) of the Act;

(b) the name of the debtor and other names used by the debtor, if any, in the foreign proceedings in which the foreign representative has been appointed;

(c) that the foreign proceedings against the debtor are foreign proceedings within the meaning of subsection 2(1) of the Act;

(d) the name of the debtor who carries on a business in Malaysia which is used in the foreign proceedings in which the foreign representative has been appointed, if other than the name stated pursuant to subparagraph *(b)*;

(e) the address of the place of registered office of the debtor and the last known place of business of the debtor in Malaysia, if any;

(f) the matter as required under subsection 15(3) of the Act; and

(g) that the debtor has a centre of main interests or an establishment, as the case may be, in the country where the foreign proceedings are taking place.

(3) The affidavit referred to in paragraph (2) shall exhibit the following documents:

(a) the evidence under subsection 15(2) of the Act;

(b) the statement required under subsection 15(3) of the Act;

(c) the evidence that the debtor has a centre of main interests or an establishment, as the case may be, within the country where the foreign proceedings are taking place; and

(d) any other matters which in the opinion of the foreign representative may assist the Court in deciding whether to give or make an order for recognition of foreign proceedings.

(4) Unless the Court otherwise directs, a foreign representative shall cause a notification of the application for recognition of foreign proceedings made to be served on the following persons within fourteen days from the date of the filing of the application for recognition of foreign proceedings:

(a) a Malaysian insolvency office-holder acting in relation to the debtor;

(b) any person who has been appointed as a receiver or receiver and manager of the property of the debtor in Malaysia;

(c) other foreign representative who has been appointed in any other foreign proceedings regarding the debtor if known by the foreign representative;

(d) the parties in any pending proceedings under Malaysian insolvency law in relation to the debtor if known by the foreign representative; and

(e) any other persons as the Court may direct.

(5) Unless the Court otherwise directs, the foreign representative shall cause a notification of the filing of the application for recognition of foreign proceedings to be published on the Malaysia Department of Insolvency website within fourteen days from the date of the filing of the application for recognition of foreign proceedings.

(6) The foreign representative or his solicitor shall on a day appointed by the Registrar attend before a Judge of the High Court and satisfies the Court that the requirements provided under paragraphs (4) and (5) have been complied with.

(7) Any person referred to in paragraph (4) and any other person who may be affected by any relief sought in any application, may, with the leave of the Court, intervene in the proceeding of the application.

(8) Where a foreign representative is required to notify the Court of the information as required under section 18 of the Act, the foreign representative shall do so by an affidavit sworn by the foreign representative.

Application for relief of provisional nature (O. 88A, r. 3)

3. (1) An application for relief of a provisional nature under section 19 of the Act by a foreign representative shall be made by a notice of application.

(2) An application for relief of a provisional nature shall be supported by an affidavit stating—

(a) the grounds on which it is proposed that the relief of a provisional nature applied for should be granted;

(b) the details of any proceedings under Malaysian insolvency law which is taking place in relation to the debtor;

(c) whether, to the knowledge of the foreign representative,

a receiver or receiver and manager of the debtor's property is acting in relation to the debtor;

(d) an estimate of the value of the property of the debtor in Malaysia in respect of which the relief of a provisional nature is applied for;

(e) whether, to the best of the knowledge and belief of the foreign representative, the interests of the debtor's creditors, including any secured creditors or parties to hire-purchase agreements, and any other interested parties, including if appropriate the debtor, will be adequately protected;

(f) whether, to the best of the knowledge and belief of the foreign representative, the grant of any of the relief of a provisional nature applied for would interfere with the administration of a foreign main proceedings; and

(g) any other matters that in the opinion of the foreign representative may assist the Court in deciding whether or not it is appropriate to grant the relief of a provisional nature applied for.

Application for relief (O. 88A, r. 4)

4. (1) An application for relief under section 21 of the Act by a foreign representative shall be made by a notice of application.

(2) An application for relief shall be supported by an affidavit stating—

(a) the grounds on which it is proposed that the relief applied for should be granted;

(b) an estimate of the value of the property of the debtor in Malaysia in respect of which the relief is applied for;

(c) in the case of an application by a foreign representative who is or believes that he is a representative of a foreign non-main proceedings, the reasons why the foreign representative believes that the relief relates to property which, under the laws of Malaysia, should be administered in the foreign non-main proceedings or information required in the foreign non-main proceedings;

(d) whether, to the best of the knowledge and belief of the foreign representative, the interests of the debtor's creditors, including any secured creditors or parties to hire-purchase agreements, and any other interested parties, including if appropriate the debtor, will be adequately protected; and

(e) any other matters that in the opinion of the foreign representative may assist the Court in deciding whether or not it is appropriate to grant the relief applied for.

Application for modification or termination by foreign representative or any person affected by recognition or relief granted (O. 88A, r. 5)

5. (1) An application for modification or termination under subsections 17(5), 20(6) and 22(3) of the Act by a foreign representative or any person affected by the recognition under section 17 of the Act, the stay and suspension referred to in subsection 20(1) of the Act or the relief granted under section 19 or 21 of the Act shall be made by a notice of application.

(2) An application for modification or termination shall be supported by an affidavit stating—

(a) the grounds on which it is proposed that the modification or termination should be granted; and

(b) any other matters that in the opinion of the foreign representative or any person affected by the recognition under section 17 of the Act, the stay and suspension referred to in subsection 20(1) of the Act or the relief granted under section 19 or 21 of the Act may assist the Court in deciding whether or not it is appropriate to grant the modification or termination applied for.

Modification or termination by motion of Court (O. 88A, r. 6)

6. (1) The Court may on its own motion modify or terminate a recognition order under section 17 of the Act or any relief granted under subsection 20(6) or 22(3) of the Act provided that the foreign representative and the debtor have either—

(a) had an opportunity of being heard on the question in respect of the modification or termination by the Court; or

(b) consented in writing to the modification or termination by the Court.

(2) Where the foreign representative or the debtor desires to be heard on the question in respect of the modification or termination by the Court, the Court shall give all relevant parties notice of the hearing at which the question will be considered and may give directions as to the issues on which it requires evidence.

(3) If the Court gives or makes a modification or termination order, the order may include any matter as the Court thinks fit with respect to matters arising in respect of the modification or termination.

(4) For the purposes of paragraph (2), "all relevant parties" means a foreign representative, a debtor and any other person who, in the opinion of the Court, have an interest justifying his being given notice of the hearing.

Application for order to avoid acts detrimental to creditors (O. 88A, r. 7)

7. An application for an order to avoid acts detrimental to creditors under section 23 of the Act by a foreign representative shall be made by an originating summons supported by an affidavit stating the grounds of the application.

Notification and publication (O. 88A, r. 8)

8. (1) This rule shall apply to any order given or made by the Court for the application made under rules 2, 3, 4, 5 and 7 and any order given or made by the Court under rule 6.

(2) A foreign representative shall within fourteen days after the date of the order given or made by the Court, cause a notification of the order given or made to be given to the following persons:

(a) a Malaysian insolvency office-holder acting in relation to the debtor;

(b) any person who has been appointed as a receiver or receiver and manager of the property of the debtor;

(c) other foreign representative who has been appointed in any other foreign proceedings regarding the debtor; and

(d) the parties to the proceedings taking place under Malaysian insolvency law in relation to the debtor, if any.

(3) A foreign representative shall serve a sealed copy of the order as soon as reasonably practicable to the debtor.

(4) In the case of an application made by any person affected by the stay and suspension referred to in subsection 20(1) of the Act or the relief granted under section 19 or 21 of the Act under rule 5, the person shall as soon as reasonably practicable serve a sealed copy of the order to the foreign representative.

(5) In the case of an order given or made by the Court for the application made under rule 2 in relation to the debtor as a foreign main proceedings, or an order given or made by the Court for the application made under rules 3 and 4 which involves the debtor's property, the foreign representative shall, as soon as reasonably practicable after the date of the order made or given by the Court, cause a notification of the order given or made to be given to the following persons:

(a) to any enforcement officer or other officer who to the knowledge of the foreign representative is charged with the execution or other legal process against the debtor or the property of debtor; and

(b) to any person who to the knowledge of the foreign representative is distraining against the debtor or the property of debtor.

(6) A foreign representative shall as soon as reasonably practicable cause a notification of any order given or made by the Court for the application made under rules 2, 3, 4, 5 and 7 and any order given or made by the Court under rule 6 to be publish on the website of the Malaysia Department of Insolvency.

(7) A reference to a “property” in this rule is a reference to a property situated within Malaysia.”.

Made 1 September 2026
[PKPMP.BD.600-1/5/26; PN(PU2]153/JLD.21]

Rules Committee:

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President of the Court of Appeal, Malaysia

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Chief Judge of the High Court in Malaya

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Chief Judge of the High Court in Sabah and Sarawak

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Judge of the Court of Appeal

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[*To be laid before the Dewan Rakyat pursuant to subsection 17(5) of the Courts of Judicature Act 1964 and section 8 of the Subordinate Courts Rules Act 1955*]